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PP RUEHROV
DE RUEHNR #0356 0321325
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FM AMEMBASSY NAIROBI
TO RUEHC/SECSTATE WASHDC PRIORITY 4535
INFO RUCNIAD/IGAD COLLECTIVE
RUEHDS/AMEMBASSY ADDIS ABABA 9867
RUEHDR/AMEMBASSY DAR ES SALAAM 5757
RUEHDJ/AMEMBASSY DJIBOUTI 5085
RUEHKM/AMEMBASSY KAMPALA 2595
RUEHKH/AMEMBASSY KHARTOUM 1864
RUEHLO/AMEMBASSY LONDON 2628
RUEHFR/AMEMBASSY PARIS 2562
RHMFIUU/CDR USCENTCOM MACDILL AFB FL
RHMFIUU/CJTF HOA

UNCLAS NAIROBI 000356

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SUBJECT: KENYA'S ELECTORAL CRISIS: SECOND OPPOSITION MP
MURDERED

REF: A. NAIROBI 00309

[1](#)B. NAIROBI 00196

[1](#)C. NAIROBI 00185

[1](#)1. On January 31, Orange Democratic Movement (ODM-opposition) Member of Parliament for Ainamoi (Kericho District, Rift Valley) David Kimutai Too (ethnic Kalenjin) was shot dead in Eldoret by Police Constable Andrew Moache (ethnic Kisii). The police maintain this was a "crime of passion," with Chepkony the subject of mutual affection between Too and Moache. Senior ODM figures are convinced, however, that the government is whittling down the ODM majority in parliament through murder. It is too early to know the true story. The murder of a second ODM MP in the space of four days has sent Kenya's already-tense political atmosphere through the roof. After the killing violence struck Kericho, Eldoret, Kisumu, and Kakamega. Reacting to news of the murder, Kofi Annan ordered a temporary suspension of negotiations between the government and the opposition (they have since resumed).

[1](#)2. The police commissioner was quick to conclude that this was a crime of passion. Too quick for the opposition. However, a journalist with the Nairobi Star buttressed the love triangle theory. He stated that Too had spent the two nights prior to his murder with the woman police officer in an Eldoret hotel. Other sources indicate likewise. This corroborative evidence does not exclude other possible motives and incentives for the killer.

[1](#)3. Regardless of who - if anyone other than Moache - is behind the murders, the balance of power in parliament shifts slightly as a result, at least in the short term. The election of an ODM MP as Speaker on January 15 reduced the number to 206 (ref c). The murder of the two ODM MPs reduces it further to 204. ODM controls 96 of the 204 seats. Together with its NARC ally (three seats), ODM controls 99 votes. PNU and its affiliates stand at 94. With ECK credibility in tatters, its ability to hold by-elections within the 90 day period required by law is uncertain. This may force parliament to operate with reduced numbers for a longer period. ODM's reduced advantage may permit PNU to assemble a parliamentary majority on a vote-by-vote basis (ref b).
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